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NOVARTIS
CORPORATE INTELLECTUAL PROPERTY
ONE HEALTH PLAZA 104/3
EAST HANOVER, NJ 07936-1080

In re Application of :
Brenneisen et al. :
Application No.: 10/580,186 :
PCT No.: PCT/EP04/13413 :
Int. Filing Date: 25 November 2004 : DECISION
Priority Date: 26 November 2003 :
Attorney Docket No.: 33276-US-PCT :
For: Plant Extracts For The Treatment :
Of Increased Bone Resorption :

This is a decision on the renewed request to correct inventorship under 37 CFR 1.497(d) filed on 21 September 2007.

DISCUSSION

In a Decision mailed on 02 April 2007, the request under 37 CFR 1.497(d) filed on 26 July 2006 was not accepted, without prejudice, because

Regarding requirement (1), applicants have not provided an appropriate statement by Mr. Brenneisen.

Regarding requirement (3), review of the record reveals that either Novartis AG and/or Universität Bern may enjoy an assignment interest in this international application, but applicants have not submitted the appropriate written consent of the assignee(s), along with appropriate 37 CFR 3.73(b) statement(s). Nor have applicants indicated that no assignment interest pertains to this application. As such, requirement (3) has not been satisfied.

In response, and with respect to requirement (1), counsel has provided a 3-page "Supplemental Declaration..." signed by Rudolf Brenneisen which includes an appropriate statement of lack of deceptive intent.

With respect to requirement (3), counsel states that "To our knowledge, an assignment has not been executed by any of the original named inventors." This statement is being accepted in satisfaction of requirement (3).

It is noted that the declaration filed on 26 July 2006 was not acceptable because it included an un-initialed alteration.

The \$200.00 fee paid on 21 September 2007 is not required, as the requisite fee was paid on 03 April 2007. Therefore, it is being refunded to counsel's Deposit Account, as authorized.

CONCLUSION

The declaration filed on 21 September 2007 is **ACCEPTED** under 37 CFR 1.497(d).

This application is being returned to the Office of Patent Application Processing for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **21 September 2007**.

A handwritten signature in black ink, appearing to read 'G. Dombroske', is positioned above the printed name.

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